

FILED for
RJR

JUL 19 2005

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

JOHN F. CORCORAN, CLERK
BY: *H. McDonald*
DEPUTY CLERK

SAMUEL MARCELLUS ESSER,
Petitioner,

v.

GENE JOHNSON, DIRECTOR,
Respondent.

Civil Action No. 7:04-cv-00645

FINAL ORDER

By: Hon. Jackson L. Kiser
Senior United States District Judge

In accordance with the accompanying memorandum opinion, it is hereby

ADJUDGED AND ORDERED

that respondent's motion to dismiss shall be and is hereby **GRANTED**; the petition for habeas corpus, pursuant to 28 U.S.C. §2254, shall be and hereby is **DISMISSED**; and the action is hereby stricken from the active docket of the court.

The Clerk is directed to send certified copies of this order and the accompanying memorandum opinion to petitioner and to counsel of record for the respondent.

ENTER: This 19th day of July, 2005.


Senior United States District Judge